IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 15620 of 2007(H)

PETITIONER:

S.SATHIKUMAR, PEON,
KERALA HEADLOAD WORKERS WELFARE BOARD
COMMITTEE OFFICE, THIRUVANANTHAPURAM.

BY ADV. SRI.M.V.THAMBAN.

RESPONDENTS:
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1. **THE CHIEF EXECUTIVE,**
   KERALA HEADLOAD WORKERS WELFARE BOARD,
   S.R.M. ROAD, ERNAKULAM.

2. **THE STATE OF KERALA, REPRESENTED**
   BY THE SECRETARY TO THE GOVT. DEPARTMENT OF
   LABOUR & REHABILITATION, GOVT. SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. BIJOY CHANDRAN FOR R2,
ADV. SRI. RENIL ANTO KANDAMKULATHIL, SC FOR R1.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.15620/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. A1-18921/02 DT. 23/02/2004.

EXT.P.2: COPY OF THE ORDER NO. E3-2348/2003 DT. 12/05/2007.

EXT.P.3: COPY OF THE APPEAL DT. 18/05/07 FILED BY THE PETITIONER BEFORE THE CHAIRMAN.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 15620 OF 2007-H

JUDGMENT

The petitioner is a physically handicapped person. He is working as a Peon under the Kerala Headload Workers' Welfare Board. While working at Nedumangad, on the basis of certain allegations, he was transferred to Thiruvananthapuram. Still later, he has been transferred by Ext.P2 order to Willingdon Island, Kochi. Feeling aggrieved by the said transfer made as per Ext.P2 order dated 12.5.2007, the petitioner has preferred Ext.P3 representation before the Government with copy to the 1st respondent. Thereafter, this writ petition is filed, challenging Ext.P2. He attacks the said order on various grounds. The personal inconveniences caused as a result of the transfer are highlighted.

2. The learned standing counsel appearing for the 1st respondent submitted that based on certain allegations the petitioner has been transferred out from Thiruvananthapuram. Upon instructions, he submitted that at present there are no vacancies at Kollam or Thiruvananthapuram to accommodate him.

3. Transfer is an incidence of service. Therefore, I find nothing

illegal with the transfer of the petitioner. But, he being a low paid employee and also a handicapped person, the 1st respondent may consider whether he could be accommodated somewhere in the southern part of the State, as and when vacancy arises and without affecting the interest of the organization. So, the 1st respondent is directed to consider and pass orders on Ext.P3, a copy of which has already been served on him, in the light of the observations made above, within one month from the date of production of a copy of this judgment.

The Writ Petition is disposed of as above.

28th May, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/